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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,242	06/27/2001	Robert Alexander Keiller	1263.1771	1533

5514 7590 02/27/2004

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EXAMINER

HARPER, V PAUL

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,242

Applicant(s)

KEILLER, ROBERT ALEXANDER

Examiner

V. Paul Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,10-23,25-30,33,34,36-41 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,10-23,25-30,33,34,36-41 and 43-55 is/are rejected.
- 7) ☒ Claim(s) 47 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 47 and 48 are objected to because of the following informalities: They refer to claims that have been cancelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11-19, 23, 25-30, 36-41 and 52-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchner (European Patent Application EP 0 911 808 A1).

Regarding claim 1, Buchner discloses a speech interface in a home network environment that includes a speech recognizer (Fig. 1, item 3), a control apparatus (Fig. 1, item 4) and network devices (items 11). Buchner's system comprises: a physical layer to a home network bus on the network device (16) (col. 7, lines 28-30, Figure 2) that receives messages from the speech unit (col. 7, lines 33-37) necessarily supporting machine dialog over the network, which corresponds to "receiving means for receiving machine dialog interpretable instructions derived from speech data processed by the

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speech processing apparatus"; a device interface (Figure 2 (16)) that can transfer command data (including vocabulary, grammars and commands that can support spoken with necessary machine dialog) from a network device (col. 5, lines 14-17) to a memory (13) for holding all the user-network-commands to control the network device (col. 7, lines 46-50) and a central processing unit that can send and receive messages to and from the speech unit (col. 7, lines 32-55, Figure 4, (41) and (11)), which corresponds to "device interface means for communicating with the processor-controlled machine to receive from the processor-controlled machine function information identifying the functions available on that processor-controlled machine and machine dialog information identifying a machine dialog compatible with the processor-controlled machine for enabling the control apparatus to cause the processor-controlled machine to carry out at least one of the available functions"; the ability to download vocabularies and commands stored in memory (13) to the extended grammar section (7d) in the speech unit for a particular network device to extend the machine and spoken dialog capability (col. 5, lines 14-17, col. 7, lines 50-56), which corresponds to "dialog determining means for determining, from the machine dialog information provided by the processor-controlled machine, the machine dialog to be used by the control apparatus for communicating with the processor-controlled machine"; a spoken dialog means allowing a user to interact with a network device with necessary machine dialog (§ 00027 and 0028, Figures 2, 3, 4 and 9), which corresponds to "dialog interpreting means for interpreting received machine dialog interpretable instructions derived from speech data processed by the speech processing apparatus using the

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determined machine dialog to produce interpreted instructions”; a basic set of user-network-commands (§ 0021) and a list of user-network-commands to control a network device defined by grammars stored in memory that can be downloaded (§0028), which corresponds to “function availability determining means for determining from the function information received by the device interface means whether or not the processor-controlled machine is capable of carrying out a function represented by the interpreted instructions”; network communication (Fig. 9), which corresponds to “machine communication means for communicating with the processor-controlled machine using the determined machine dialog on the basis of the interpreted instructions so enabling communication of information relating to the carrying out of a function by the processor-controlled machine between the processor-controlled machine and the control apparatus in the event that the function availability determining means determines that the processor-controlled machine is capable of carrying out that function”; acoustic communication (col. 1, lines 44-47, Fig. 9, §0028), which corresponds to “user communication means for enabling communication with the user on the basis of at least one of the interpreted instructions information provided by the function availability determining means, and information provided by the machine communication means, thereby enabling the user to conduct a spoken dialog with the processor-controlled machine via the speech processing apparatus and the control apparatus to instruct the carrying out of a function by the processor-controlled machine”.

Regarding claim 2, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a means for locating a device on a network by

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its ID (col. 14, lines 30-33, Figure 3) and commands such as media descriptors that can be acquired from other sources (col. 14, lines 34-55), which corresponds to "the control apparatus is connectable to a network and the dialog determining means is arranged to determine the location on the network of the determining for that machine dialog."

Regarding claim 3, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a accessible memory in the network device where a list of control-network-commands is stored (col. 7, lines 40-45), which corresponds to "storing means for causing the determining machine dialog to be stored in a dialog store of the control apparatus."

Regarding claim 11, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses dialog states with corresponding necessary internal states (Figures 9-13) that are determined by the sequence of commands sent (col. 10, line 41-col. 16. line 23), which correspond to "a machine dialog has a number of machine dialog states and the machine communication means is arranged to control the machine dialog state in accordance with the received machine dialog interpretable instructions."

Regarding claim 12, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses that when a device is newly connected to the network it can send its specific set of grammars to the speech unit (col. 11, lines 49-52) and that during a dialog the machine will have a particular dialog state (Fig. 9-13, see "network devices"), which corresponds to "the machine communication means is arranged to supply to the speech processing apparatus information relating to speech

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recognition grammar to be used for processing speech data in accordance with a machine dialog state.”

Regarding claim 13, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a system where the user inputs commands by microphone and the signals from the microphone go to a signal processing unit and then onto a CPU for processing (col. 6, lines 18- 24, Figure 1), which corresponds to “audio data receiving means for receiving speech data and audio data transmitting means for transmitting received speech data to the speech processing apparatus.

Regarding claim 14, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a network connection ((5), (6), and (10) of Figure 1) allowing the speech unit to communicate with other devices (col. 6, lines 44- 47, Figure 1, (10)), which corresponds to “network interface means for communicating with the speech processing apparatus over a network.”

Regarding claim 15, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a network connection from a network device (41) to other network devices attached to appliances (Figure 4), which corresponds to “network interface means for communicating with the processor-controlled machine over a network.”

Regarding claim 16, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a wireless network where all the devices can communicate with each other via built-in transmitters and receivers (col. 8, lines 53- 56, Figure 5), which corresponds to “remote communication means for communicating

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with a least one of the speech processing apparatus and the processor controlled machine.”

Regarding claim 17, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses a network device with the speech control unit built-in (col. 8, 34-35, Figure 4, (41)), which corresponds to “a control apparatus and an audio input device.”

Regarding claim 18, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner's system comprises: a speech recognizer with a vocabulary and a set of knowledge-bases (or grammars) (col. 4, lines 1-4), which corresponds to “a speech recognizing means for recognizing speech in received audio data using at least one speech recognition grammar;” a converter for converting a user command into a user-network-command (i.e., a command to be interpreted by the network device) (col. 4, lines 4-7), which corresponds to “speech interpreting means for interpreting recognized speech to provide machine dialog interpretable instructions;” and a means of transporting the command to the device (col. 4, lines 5-7, Figures 1 and 2) which corresponds to “a transmitting means for transmitting the dialog interpretable instructions to the machine communication means.”

Regarding claim 19, Buchner discloses everything claimed, as applied above (see claim 1); in addition, Buchner discloses: software and a CPU for device control (Figure 2, (15) and (12)), which corresponds to “machine control circuitry for carrying out at least one function and a processor for controlling the machine control circuitry”; memory used for processing and storage of a list of control-network commands for a

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network device (col. 7, lines 39-59, Figure 2), which corresponds to "storing means for storing information relating to a device class defining a machine dialog to be used by the control apparatus with the process-controlled machine and functions available on the machine"; and vocabularies and grammars to control the network device (necessarily supporting the machine dialog) stored in memory (13) that can be downloaded into the extended memory (col. 7, lines 50-56), which corresponds to a "means for providing the machine function information and the machine dialog information to the control apparatus for enabling the dialog determining means to determine the machine dialog to be used by the control apparatus with the processor controlled machine."

Regarding claim 23, Buchner discloses everything claimed, as applied above (see claim 19); in addition, Buchner discloses a network device integrated with a speech unit (41) used to communicate with processor controlled network devices connected to appliances, which corresponds to "a network comprising a processor-controlled machine."

Regarding claim 25, Buchner discloses everything claimed, as applied above (see claim 23); in addition, Buchner discloses a system with a separate speech unit (Figure 3, (11)), which corresponds to "a separate audio input device."

Regarding claim 26, Buchner discloses everything claimed, as applied above (see claim 23); in addition, Buchner's system comprises: a microphone (1) connected to a speech unit (Figure 1), which corresponds to "means for receiving audio data representing speech by a user"; a speech recognizer with a vocabulary and a set of knowledge-bases (or grammars) (col. 4, lines 1-4), which corresponds to "a speech

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recognition means for recognizing speech in received audio data using at least one speech recognition grammar;" a converter for converting a user command into a user-network-command (i.e., a machine dialog) (col. 4, lines 4-7), which corresponds to "speech interpreting means for interpreting recognized speech to provide the machine dialog interpretable instructions;" and a means of transporting the command to the device (col. 4, lines 5-7, Figures 1 and 2) which corresponds to "a transmitting means for transmitting the machine dialog interpretable instructions to the dialog communication means."

Regarding claim 27, Buchner discloses everything claimed, as applied above (see claim 26); in addition, Buchner's system includes commands for media descriptors which return information related to specific devices (col. 14, lines 34-36), which corresponds to "a look-up service connectable to the network."

Regarding claim 28, this claim has limitations similar to claim 1 and is rejected for the same reasons.

Regarding claim 29, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 2.

Regarding claim 30, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 3.

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Regarding claim 36, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 11.

Regarding claim 37, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 12.

Regarding claim 38, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 13.

Regarding claim 39, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 14.

Regarding claim 40, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 15.

Regarding claim 41, Buchner discloses everything claimed, as applied above (see claim 28). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 16.

Regarding claims 52, 53, 54, and 55, these claims have limitations similar to those found in claim 1 and are rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 20-22, 33, 34, and 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner in view of well known prior art (MPEP 2144.03).

Regarding claim 6, Buchner in view of well known prior art disclose everything claimed, as applied above (see claim 49); in addition, Buchner discloses features described in the claim 2 rejection that correspond to the limitations listed in this claim.

Regarding claim 7, Buchner in view of well known prior art disclose everything claimed, as applied above (see claim 49); in addition, Buchner discloses features described in the claim 3 rejection that correspond to the limitations listed in this claim.

Regarding claim 20, Buchner in view of well known prior art disclose everything claimed, as applied above (see claim 49); in addition, Buchner discloses: software and a CPU for device control (Figure 2, (15) and (12)), which corresponds to "machine control circuitry for carrying out at least one function; and a processor for controlling the machine control circuitry"; a memory used for processing and storage of a list of control-network commands (i.e., machine dialogs) where the commands might be device dependent (col. 7, lines 39-55, Figure 2), which corresponds to "storing means for storing a device class for the process-controlled machine the device class defining a

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machine dialog to be used with the processor-controlled machine and functions available on the machine"; and a means for locating a device on a network by its ID (col. 14, lines 30-33, Figure 3), which corresponds to a "means for supplying the device class to the control apparatus."

Regarding claim 21, Buchner discloses everything claimed, as applied above (see claim 19); in addition, Buchner discloses a system that uses a speech recognizer for controlling different consumer devices including mobile telephones, PCs and printers (col. 1, lines 7-10, col. 1, lines 42-47), but Buchner's list of devices controlled does not include photocopying or facsimile functions. However, the examiner takes official notice of the fact that the use of a control system for control of photocopying or facsimile devices was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to expand the list of device functions supported by Buchner to include photocopying and facsimile functions, since these functions were commonly found in home offices.

Regarding claim 22, Buchner discloses everything claimed, as applied above (see claim 19); in addition, Buchner discloses a system that uses a speech recognizer for controlling different consumer devices including televisions, printers, heaters and camcorders (col. 1, lines 7-10, col. 1, lines 42-47), but Buchner's list of devices does not include video cassette recorders, microwave ovens, digital cameras, photocopiers, lighting system, and a heating system. However, the examiner takes official notice of the fact that the use of a control system for control of videocassette recorders,

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microwave ovens, digital cameras, a photocopiers, or lighting systems was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to expand the list of devices supported by Buchner to include all of those listed in claim 22, since these functions were commonly found in the home.

Regarding claim 33, Buchner in view of well known prior art disclose everything claimed, as applied above (see claim 51). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 6.

Regarding claim 34, Buchner in view of well known prior art disclose everything claimed, as applied above (see claim 51). This claim is rejected for the same reasons given in the corresponding apparatus claim, claim 7.

Regarding claims 43, 44, 45, 47 and 48, Buchner or Buchner in view of well know prior art disclose everything claimed, as applied above (see claims 1, 28—dependency of claims 47 and 48 is unclear); however, Buchner (or Buchner in view of well known prior art) does not specifically disclose “processor implementable instructions for configuring a processor to carry out a method in accordance with claim 1, or 28.” However, the examiner takes official notice of the fact that programming a processor to execute control functions on a network was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to program a processor to perform the desired control functions on a network since this is a standard way to implement such operations.

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Regarding claim 46, Buchner in view of well know prior art disclose everything claimed, as applied above (see claim 44); however, Buchner does not specifically disclose "a storage medium carrying a computer program product in accordance with claim 44." However, the examiner takes official notice of the fact that use of a storage medium with a processor was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made use a storage medium for storing the process specific code so as be able to load the necessary code on startup.

Regarding claim 49, Buchner teaches everything claimed, as applied above (see claim 1). In addition, this claim has limitations similar to those found in clam 19 and is rejected for the same reasons. Buchner does not specifically disclose the use of the JAVA reflection API to determine this information. However, the examiner takes official notice of the fact that the use of a JAVA reflection API for getting information about the current Java virtual machine was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the means for determining machine functions with the JAVA reflection API, since this API is a commonly used programming interface for determining information related to JAVA classes and objects.

Regarding claims 50, Buchner teaches everything claimed, as applied above (see claim 1); in addition, this claim has limitations similar to those found in claim 49 and is rejected for the same reasons.

Regarding claims 51, Buchner teaches everything claimed, as applied above (see claim 28); in addition, this claim has limitations similar to those found in claim 49 and is rejected for the same reasons.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner in view of well known prior art and further in view of Hemphill (European Patent Application EP 0 854 418 A2), hereinafter referred to as Hemphill.

Regarding claim 10, Buchner in view of well known prior art teaches everything claimed, as applied above (see claim 49). But Buchner in view of well known prior art do not specifically disclose "a job listener registering means for registering a job listener to receive from the processor-controlled machine information relating to events occurring at the processor-controlled machine." However, the examiner contends that the concept of a "listening" signal being generated when data is available from a device was well known in the art, as taught by Hemphill.

Hemphill discloses a programmable distributed appliance control system. Hemphill's system includes the ability to generate a signal to an interface (65) when data is available from a consumer device (col. 7, line 55-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Buchner in view of well know prior art by providing a notification means from an appliance, as taught by Hemphill, for the purpose of providing a more rapid response when an appliance has data that needs to be transferred to the control device.

Response to Arguments

5. Applicant's arguments filed 1/20/04 have been fully considered but they are not persuasive.

6. Applicant asserts on page 23:

The primary citation to Buchner is concerned with providing a generic speech recognizer facilitating the control of several devices and providing a remotely controllable device that simplifies its network controllability via speech (paragraph 0005). Buchner teaches that a speech unit 2 is connected to a home network 10 so that the same speech unit can be controlled for controlling all of the devices 11 connected to the network (paragraph 0012). The speech unit 2 is connected directly to the network devices over the network or, in some cases (as shown in Figure 4), directly connected to a network device. *There is no control apparatus intermediate the network device and the speech unit.* (Italics added)

Buchner indicates that the digital signal processor (Fig. 1, item 3) performs recognition and the central processing unit (item 4) converts recognized words into user-network commands (col. 4, ¶'s 0015 and 0016), and as can be seen in Fig. 1 these units are connected.

7. Applicant asserts on page 26:

Applicant submits that there is *no disclosure or suggestion in Buchner of a control apparatus connectable to a processor-controlled machine and to a speech processing apparatus to provide an interface between the processor-controlled machine and the speech processing apparatus for enabling a user to control by spoken command a function of the processor controlled machine.* Rather, in Buchner, the network devices are connected directly via the network to the speech unit, with the attendant disadvantages as set out above. To illustrate a difference between the present invention and Buchner, if the claimed invention were applied to the Buchner system, Applicant submits that it would no longer be

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necessary in Buchner for the network device to contain (or for the user to input) the user network command list and the associated vocabulary and grammar. Rather, the present invention would enable the network devices to be provided with such, without any prior knowledge of voice control arrangement.

As argued above, Buchner discloses a speech recognizer connected to a control apparatus, which is connected to processor controlled network devices (Fig. 2, items 11, and 12; and Fig. 3) (note the term "connectable" has been interpreted as "connected" since the limitations must be positive).

8. Applicant asserts on page 27:

Among other features, Claim 1 recites device interface means for communicating with the processor-controlled machine to *receive from the processor-controlled machine function information identifying the functions available on that processor-controlled machine and machine dialog information identifying a machine dialog compatible with the processor controlled machine for enabling the control apparatus to cause the processor-controlled machine to carry out at least one of the available functions.* (Italics and underline added)

Applicant submits that there is no such device interface means in Buchner. Rather, in Buchner, user network commands and the associated vocabulary and grammar are supplied from a memory 14 of the network device via the I/F physical layer 16 of the network device directly to the speech unit. Thus, in Buchner, the network device supplies the actual user network commands and associated vocabulary and grammar, requiring the network device to have knowledge of the voice control arrangement. *In contrast, the device interface means of the control apparatus recited in claim 1 receives from the processor-controlled machine not user network control commands (and associated vocabulary and grammar) but function information that identifies the functions available on that processor-controlled machine and machine dialog information that identifies a machine dialog.* (Italics added)

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Applicant states in the specification on page 2, lines 5-9 "the control apparatus is arranged to retrieve information and/or data identifying the functionality of the machine (or information and/or data identifying the location from which that information and/or data can be retrieved)" which corresponds to Bechner's teaching that "new user-network-commands ... [can be retrieved] directly from the network devices [by the speech unit which includes the speech recognizer and the control apparatus]" (col. 5, lines 14-25, also note in Fig. 1 that the data from the network devices passes through the "control device" (items 10, 16, 5, and 4) before reaching the speech recognizer (item 3)) (i.e., Bechner's control apparatus can retrieve the network device functionality).

9. Applicant asserts on 27:

Claim 1 also recites dialog determining means for determining, from the machine dialog information provided by the processor-controlled machine, the machine dialog to be used by the control apparatus for communicating with that processor-controlled machine.

Applicant submits that neither the network device nor the speech unit of Buchner has dialog determining means for determining the machine dialog from machine dialog information provided by the processor-controlled machine, as set out in claim 1. In Buchner, the network device provides the user network commands and vocabulary and grammar directly to the speech unit so that there is no machine dialog information separate from the machine dialog. Furthermore, as each network device provides its own user network commands, there is no requirement for any determination of the machine dialog. The machine dialog is precisely predefined by the network device.

Buchner also teaches that the speech unit (i.e., the control device) can send commands to the network devices to request their user-network commands (col.

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5, lines 18-22), where the Examiner has interpreted "machine dialog information" to correspond to Buchner's "new user-network-commands" and/or "control-network-commands," and this information can be supplied by a network device (col. 5, lines 14-25) (i.e., a processor-controlled machine can supply machine dialog commands to the control device which can be used for communicating with the processor-controlled machine).

10. Applicant further asserts on page 28:

In addition to the features set out above, Claim 1 also recites that the control apparatus has function availability determining means for determining from the function information received from the device interface means whether or not the processor-controlled machine is capable of carrying out a function represented by the interpreted instructions.

Applicant submits that in Buchner, the network device simply stores a list of user network commands (with associated vocabulary and grammar) that are supplied to the speech unit on request from the speech unit when the network device is connected to the network. Furthermore, the speech unit of Buchner does not determine whether or not a network device is capable of carrying out a function from function information represented by interpreted instructions. Rather, the speech unit simply passes the user network commands, derived by interpreting the user speech input, onto the network device. Thus, neither the network device nor the speech unit of Buchner has function availability determining means as recited in Claim 1.

Buchner teaches that a user can request the user-network-commands which can be controlled [in the network device] where the request would necessarily be routed from the control unit through the network interface to the network device (col. 5, lines 18-25).

11. Applicant asserts on page 29:

Claim 1 further recites machine communicating means for communicating with the processor-controlled machine using the determined machine dialog on the basis of the interpreted instructions, so enabling communication of information relating to the carrying out of a function by the processor-controlled machine between the processor-controlled machine and the control apparatus in the event that the function availability determining means determines that the processor-controlled machine is a capable of carrying out that function.

Applicant submits that Buchner does not teach or suggest that there is any machine communication means that communicates with the network device relating to the carrying out of a function by the processor-controlled machine between the processor-controlled machine and the control apparatus in the event that function availability determining means determines that the network device is a capable of carrying out that function. Rather, the speech unit simply processes received user speech input to determine the corresponding user network commands and passes these user network commands over the network directly to the network device. *There is no communication in Buchner between the speech unit and the network device as to whether or not the network device can carry out a particular function.* (Italics added)

See §9, above.

12. Applicant asserts on page 29:

For example, as regards claim 19, Applicant submits that there is no teaching or suggestion in Buchner of a processor-controlled machine that stores a *device class defining a machine dialog to be used by the control apparatus with the processor-controlled machine and functions available on the machine*. Rather, the network device of Buchner simply stores a list of user network commands and associated vocabulary and grammar, and there is no teaching or suggestion of device classes. (Italics added)

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Buchner classifies devices/commands by the basic set of commands that can be used by devices (col. 5, lines 45-50) and also by the extended sets of commands that can be used with different devices (co. 7, lines 39-59, Fig. 2, see list of control-network commands for a network device).

The Applicant's remaining arguments repeat points that have been made previously, and have been addressed above (or in previous actions).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.



VPH/vph
February 23, 2004



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER